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NEW DELHI, SATURDAY, FEBRUARY 28, 1987/PHALGUNA 9, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (III)
PART II—Section 3—Sub-section (III)

(संघ राज्य क्षेत्र प्रशासनों को छोड़कर) केन्द्रीय अधिकारियों द्वारा जारी किए गए आदेश और अधिसूचनाएं
Orders and Notifications Issued by Central Authorities (other than Administrations of Union
Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 2 फरवरी, 1987

आदेश

भा.अ. 24—1985 में हुए उत्तर प्रदेश विधान सभा के लिए
साधारण निर्वाचन में 239-चकिया (भ.जा.) निर्वाचन-क्षेत्र में निर्वाचन
लड़ने वाले अभ्यर्थी श्री सत्य प्रकाश सोनकर, बी-36/22-ग, ब्रह्मानन्द
नगर कालोली, दुर्गा कुण्ड, (संकट मोचन), वाराणसी को, निर्वाचन
आयोग द्वारा अपने तारीख 10 जून, 1986 के आदेश संख्या 76/
उ.प्र.—वि.स./85(4) के द्वारा लोक प्रतिनिधित्व अधिनियम, 1951
तथा उसके अधीन बनाए गए नियमों के अधीन अपने निर्वाचन व्ययों का
कोई भी लेखा दाखिल करने में असफल रहने के कारण, उक्त अधिनियम
की धारा 10-क के अधीन, निर्रहित किया गया था;

उक्त श्री सत्य प्रकाश सोनकर ने निर्वाचन आयोग के सक्षम एक
अर्जी दाखिल की है जिसमें अपने निर्वाचन-व्ययों का लेखा दाखिल करने
में असफल रहने के कारण बयाने हुए, उन पर अधिलेखित निर्रहता हटाने
की प्रार्थना की है;

लेखा दाखिल करने में असमर्थ रहने के लिए, उक्त अर्जी में बताए गए
कारण पर विचार करने के पश्चात् निर्वाचन आयोग का यह मत है कि
उसके, तारीख 10 जून, 1986 के आदेश के पुनरीक्षण की आवश्यकता
है;

मतः, यह निर्वाचन आयोग, उक्त अधिनियम की धारा 11 द्वारा
प्रदत्त शक्तियों का प्रयोग करते हुए श्री सत्य प्रकाश सोनकर पर अधि-
लेखित निर्रहता तारीख 2 फरवरी, 1987 से हटाता है।

[सं. 76/उ.प्र.—वि.स./85]

ELECTION COMMISSION OF INDIA

New Delhi, the 2nd February, 1987

ORDER

O.N. 24.—Whereas Shri Satya Prakash Sonkar, B36/22-A, Brahmanand Nagar Colony, Durga Kund, (Sankat Mochan) Varanasi, who was a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in 1985 from 239-Chakia(SC) constituency, was disqualified by the Election Commission vide its Order No. 76/UP-LA/85(4) dated the 10th June, 1986 under Section 10A of the Representation of the People Act, 1951 for the failure to lodge any account of his election expenses under the said Act and the rules made thereunder;

And whereas, the said Shri Satya Prakash Sonkar has submitted a petition before the Election Commission, praying for the removal of the disqualification imposed on him giving reasons for his failure to lodge the account of election expenses;

And whereas, the Election Commission having taken into account the circumstances explained in the said petition for his failure to lodge the account is of the view that the earlier order of 10th June, 1986 merits revision;

Now, therefore, in exercise of the powers conferred by section 11 of the said Act, the Election Commission hereby removes the disqualification imposed on Shri Satya Prakash Sonkar with effect from 2nd February, 1987.

[No. 76/UP-LA/85]

नई दिल्ली, 9 फरवरी, 1987

आदेश

आ. प्र. 25.—निर्वाचन आयोग का समाधान हो गया है कि 1985 में हुए कर्नाटक विधान सभा के साधारण निर्वाचन के लिए 186-शीरहट्टी निर्वाचन क्षेत्र में निर्वाचन लड़ने वाला अभ्यर्थी श्री लक्ष्मी लालसिंह दकप्पा, केरहल्ली टोंडा, शीरहट्टी तालुक, कर्नाटक, लोक प्रतिनिधित्व अधिनियम, 1951 तथा उसके अधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा रीति में दाखिल करने में असफल रहा है;

उन अभ्यर्थी ने सम्मक्ष सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में श्री लक्ष्मी लालसिंह दकप्पा को संसद के किसी भी सदन के

आदेश

आ. प्र. 26.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट उप-निर्वाचन के लिए आ. प्र. 26 के विनिर्दिष्ट निर्वाचन क्षेत्र में हुआ है, स्तम्भ (4) में उसके मामले विनिर्दिष्ट निर्वाचन लड़ने वाला अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपवर्णित रूप में अपने निर्वाचन व्ययों का लेखा समय के अन्तर्गत और अपेक्षित रीति में दाखिल करने में असफल रहा है;

और उक्त अभ्यर्थियों ने सम्मक्ष सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के निरहित घोषित करता है।

सारणी

क्रम संख्या	निर्वाचन का विवरण	संसदीय/विधान सभा निर्वाचन क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निराहता का कारण
1	2	3	4	5
272.	तमिलनाडु विधानसभा के लिए उप-निर्वाचन	204—अ. लुगुकोट्टाई	सर्वश्री जी. भुल्लुगुणन, पुत्र श्री गोविन्दमामी अन्नापूर्णनी गार्डन, नं. 5, कार्ट ट्रेक रोड, व्यासराया नगर, मद्रास-100017	निर्वाचनों व्ययों का लेखा समय के अन्तर्गत और अपेक्षित रीति में दाखिल करने में असफल रहे।
273.	लोक सभा के लिए उप-निर्वाचन तमिलनाडु	38—तिरुवेन्डुर	एम. अल्लुमुस्वरम, पुत्र श्री सामानायन, 3ए, कोलाओथामारगु कोरुडनाडु मेलाटुथुराड, तमिलनाडु।	—बन्ही—

[सं. 76/त. न./86(272-273)]

आदेश से,
सी. एन. राज, सचिव

या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[संख्या 76/कर्ना. वि. म./86/385]

New Delhi, the 9th February, 1987

ORDER

O.N. 25.—Whereas the Election Commission is satisfied that Shri Laxmi Lalsing Dakappa, Kerehalli Tands, Shirhatti taluk, Karnataka, a contesting candidate for the General Election to the Karnataka Legislative Assembly held in 1985 from 186. Shirhatti constituency has failed to lodge the account in the manner required by the Representation of the People Act, 1951 and the rules made thereunder;

And, whereas, the said candidate has not furnished any reason or explanation for the said failure even after due notice and the Election Commission is further satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares Shri Laxmi Lalsing Dakappa to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

[No. 76/KT-LA/86/385]

ORDER

O.N. 26.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the bye-elections as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses, within the time and in the manner as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished

any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this Order :—

TABLE

Sl. No.	Particulars of election	S. No. and name of constituency	Name of candidate	Reason for disqualification
1	2	3	4	5
272.	Bye-election to the Tamil - Nadu Legislative Assembly	204.—Aruppukkottai	S/Shri G. Muthurkrishnan S/O Godvindasamy, Annapoorani Garden, No. 5, Cart track Road, Thiyagaraya Nagar, Madras-600 017.	Account not lodged in time and in the manner.
273.	Bye-election to the House of the People-Tamil Nadu	38.—Tiruchendur	S. Alagusundaram, S/o Saminathan, 3A. Keelaothasaraḡu Koorainadu, Mailaduthurai, Tamil Nadu.	-do-

[No. 76/TN/86 (272-273)]

By Order,

C. L. ROSE, Secy.

नई दिल्ली, 5 फरवरी, 1987

New Delhi, the 5th February, 1987

आ.प्र. 27.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग, नागालैंड सरकार के परामर्श से श्री एन. जखलू, आई.ए.एस. के स्थान पर श्री टी.सी.के. लोथा, विकास आयुक्त को उनके कार्य भार संभालने की तारीख से अपने प्रादेशों तक नागालैंड राज्य के मुख्य निर्वाचन अधिकारी के रूप में एतद्वारा नाम-निर्देशित करता है।

[सं. 154/नागालैंड/87]

आदेश से,

आर. पी. भन्ना, सचिव

O.N. 27.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Nagaland hereby nominates Shri T. C. K. Lotha, IAS, Development Commissioner as the Chief Electoral Officer for the State of Nagaland with effect from the date he takes over charge and until further orders vice Shri N. Jakhlu, IAS.

[No. 154/NL/87]

By order,

R. P. BHALLA, Secy.

नई दिल्ली, 9 फरवरी, 1987

आदेश

आ. प्र. 28.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में दया विनिर्दिष्ट उच्च प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1985 के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में उनके सामने विनिर्दिष्ट निर्वाचन लड़ने वाले अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा उक्त सारणी के स्तम्भ (5) में दया उपर्युक्त रूप अपन निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण दायवा स्पष्टीकरण नहीं दिया या उनके द्वारा दिए गए अभ्यावेदन पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यापारिकता नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रादेश की तारीख से तीन वर्षों का स्वयंसेवक के लिए निरहित घोषित करता है ;

क्रम-सं.	निर्वाचन की विशिष्टियाँ	निर्वाचन-क्षेत्र की क्रम संख्या एवं नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निरहता का कारण
1	2	3	4	5
1.	उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1935	27-गंगेश्वरी (अ. जा.)	श्री श्रीम प्राकशी, मो. होलीवाला हिरनवाला, हसनपुर जिला मुरादाबाद, (उत्तर प्रदेश)	निर्वाचन व्ययों का कोई लेखा दाखिल नहीं किया।
2.	-वही-	-वही-	श्री राजेन्द्र कुमार बाल्मीकि, मो. होज भवेसरा, सराय, तह. सम्भल, जिला मुरादाबाद (उत्तर प्रदेश)	-वही-
3.	-वही-	29-बह्मोई	श्री मदन, ग्राम बेटला, सम्भल, जिला मुरादाबाद (उत्तर प्रदेश)	-वही-
4.	-वही-	-वही-	श्री सोम पाल सिंह, ग्राम बुधापुर, सम्भल, जिला मुरादाबाद (उत्तर प्रदेश)	-वही-
5.	-वही-	33-मुरादाबाद	श्री गोपाल दास, कटरा पुरम जाट, जिला मुरादाबाद (उत्तर प्रदेश)	-वही-
6.	-वही-	-वही-	श्री राम प्रसाद, कटहरबीब, जिला मुरादाबाद (उत्तर प्रदेश)	-वही-
7.	-वही-	61-पुंवाया (अ. जा.)	श्री हरिनन्दन स्वयं, टी. 2 ए. रेलवे कालोनी, शाहजहापुर (उत्तर प्रदेश)	निर्वाचन व्ययों का लेखा समय के अन्दर तथा रीति से दाखिल नहीं किया।
8.	-वही-	156-बलरामपुर	सत्येन्द्र प्रसाद, मो. मोती सागर, पोस्ट बलरामपुर (बुलसी पार्क), जिला गोरख (उत्तर प्रदेश)	निर्वाचन व्ययों का कोई लेखा दाखिल नहीं किया।
9.	-वही-	299-बिल्हौर (अ. जा.)	श्री रामजीवन, ग्राम बकहरदौली, पोस्ट मन्नावन जिला कानपुर देहात (उत्तर प्रदेश)	-वही-

New Delhi, the 9th February, 1987

ORDER

O.N. 28.—Whereas the Election Commission is satisfied that each of the contesting candidate specified in column (4) of the Table below at the General Election to the Uttar Pradesh Legislative Assembly, 1985 specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge the account of his election expenses as shown in column (5) of the said Table, as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission or after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

Sl. No.	Particulars of Election	Sl. No. & Name of Constituency	Name and address of the Contesting Candidate	Reason of disqualification
1	2	3	4	5
1.	General Election to the U.P. Legislative Assembly, 1985.	27—Gangeshwari (SC)	Shri Om Prakash, Moh. Holiwala Hiranwala, Hasanpur, Distt. Moradabad (U.P.)	Failed to lodge any account of election expenses.
2.	-do-	-do-	Shri Rajinder Kumar Balmiki, Moh. Hoj Bhadesra Sarai, Teh. Sambhal, Distt. Moradabad (U.P.)	-do-
3.	-do-	29—Bahjoi	Shri Madan, Vill. Betla, Sambhal, Distt. Moradabad (U.P.)	-do-
4.	-do-	-do-	Shri Som Pal Singh, Vill. Dooghapur, Sambhal, Distt. Moradabad (U.P.)	-do-
5.	-do-	33—Moradabad	Shri Gopal Das, Katra Puran Jat, Distt. Moradabad (U.P.)	-do-
6.	-do-	-do-	Shri Ram Prasad, Katgharbich, Distt. Moradabad (U.P.)	-do-
7.	-do-	61—Powayan (SC)	Shri Hari Nandan Swaroop, T 2A Railway Colony, Shahjahanpur (U.P.)	Failed to lodge the account within the time and in the manner.
8.	-do-	156—Balrampur	Shri Satendra Prasad, Mohalla Moti Sagar, (Tulsi Park), Post Balrampur, Distt. Gonda (U.P.)	Failed to lodge any account of election expenses.
9.	-do-	299—Bilhaur (SC)	Shri Ram Jeevan, Vill. Chakhardauli, Post Majhawan, Distt. Kanpur Dehat (U.P.)	-do-

[No. 76/UP-LA/85 (12)]

आवेदन

आ. अ. 29.—निर्वाचन आयोग का समाधान हो गया कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट लोक सभा के लिए साधारण निर्वाचन, 1984 के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र में हुआ है स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाले अभ्यर्थी, लोक प्रतिनिधिसभ अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा उक्त सारणी के स्तम्भ (5) में यथा उपरिष्ठित रूप में अपने निर्वाचन व्ययों का लेखा बाखिल करने में असफल रहे हैं;

और उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण प्रस्तुत नहीं किया है या उनके द्वारा दिए गए अभ्यर्थियों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्याख्यायित्व नहीं है,

अतः, अब निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को सभ्य के या किसी राज्य की विधान सभा ग्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी

क्रम सं.	निर्वाचन की विनिर्दिष्टियां	निर्वाचन-क्षेत्र की क्रम सं. तथा नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम	निरहिता का कारण
1	2	3	4	5
1.	लोक सभा के लिए साधारण निर्वाचन, 1984	6—अमरोहा	श्री राम कुमार कमल, मो. रामनोमी, चन्दासी, जिला मुरादाबाद (उत्तर प्रदेश)	निर्वाचन व्ययों का कोई लेखा दाखिल नहीं किया।
2.	-वही-	77—खुर्जा (अ.जा.)	श्री खजान, ग्राम मंडावारा, सिकन्दराबाद, जिला बुलन्दशहर (उत्तर प्रदेश)	-वही-
3.	-वही-	-वही-	श्री विनोद कुमार, सराय धारी, जिला बुलन्दशहर (उत्तर प्रदेश)	-वही-

[सं. 76/उ.प्र.-लो.स./85(12)]

आदेश से,

सुरज प्रकाश, प्रवर सचिव

ORDER

O.N. 29.—Whereas the Election Commission is satisfied that each of the contesting candidate specified in column (4) of the Table below at the General election to the Lok Sabha, 1984 as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge the account of his election expenses as shown in column (5) of the said Table, as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after

due notice of the Election Commission or after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this Order.

TABLE

Sl. No.	Particulars of Election	S. No. & Name of Constituency	Name and address of the Contesting Candidate	Reason of disqualification
1	2	3	4	5
1.	General Election to the Lok Sabha, 1984.	6—Amorooha	Shri Ram Kumar Kamal, Moh. Ram Nomi, Chandausi, Distt. Morabdadbad, Uttar Pradesh.	Failed to lodge any account of election expenses.
2.	-do-	72—Khurja (SC)	Shri Khajan, Vill.-Mandawara, Shikenderabad, Distt-Bulandshahr, Uttar Pradesh	-do-
3.	-do-	-do-	Shri Vinod Kumar, Sarai Dhari, Distt-Bulandshahr, Uttar Pradesh.	-do-

[No. 76/UP--HP/85 (12)]

By Order,

SURAJ PARKASH, Under Secy.

नई दिल्ली, 9 फरवरी, 1987

आदेश

वत.आ. 30:—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट आसाम विधान सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र में हुआ है, स्तम्भ (4) में उनके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा लड़ीत बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपरोक्त रूप में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है ;

और उक्त अभ्यर्थियों ने सम्मक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के निरहित घोषित करता है ।

सारणी

क्रम संख्या	निर्वाचन का विवरण	निर्वाचन क्षेत्र की क्रम सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहेता का कारण
200.	आसाम विधान सभा के लिए साधारण निर्वाचन, 1985	89—कालियाबोर	श्री नरेन्द्र चन्द्र बर्मन, ग्राम लाखनबन्धा, डाकखाना भम्बागन, जिला नौगांव, आसाम	लेखा विधि द्वारा अपेक्षित समय के अन्तर्गत और रीति से दाखिल नहीं किया गया।
201.	-वही-	97—देग्गांव (प्र. जा.)	श्री बीरेन्द्र नाथ ठाकुरिका, बामुनी मैदान, लख्मीनगर, घाई पं. 30, उप खंड, गोहाटी, जिला कामरूप, गोहाटी-781021	-वही-
202-	-वही-	105—ग्रहसागर	श्री शिरोद राज कंवर, मारु मथुरापुर टी. ई., डाकखाना सारु मथुरापुर, जिला सिबसागर (आसाम)	अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे
203.	-वही-	106—सोनारी	श्री भुल्लाब हुसैन सोनारी टाउन, बाई नं. 3, डाकखाना सोनारी, जिला सिबसागर, आसाम	-वही-
204.	-वही-	106—सोनारी	श्री देव फूकन, टौवकाक टी. ई., डाकघर सोनारी, जिला सिबसागर, आसाम	-वही-
205.	-वही-	106—सोनारी	श्री गोपाल चन्द्र बाग, बोरहाट टी. ई., डाकघर बोरहाट, जिला सिबसागर, आसाम	लेखा विधि द्वारा अपेक्षित रीति से दाखिल करने में असफल रहा।

[सं. 76/आसाम/86]

New Delhi, the 9th February, 1987

ORDER

O. N. 30.....:—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Legislative Assembly of Assam as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses as show in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And, whereas, the said candidates have either not furnished any reason or explanation of the said failure even after due notice of the Election Commission; after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now therefore in pursuance of section 10A of the said Act the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

Sl. No.	Particulars of election	No. and Name of constituency	Name of the contesting candidate	Reason for disqualification
1	2	3	4	5
200.	General Election to the Legislative Assembly of Assam, 1985.	89—Kaliabor	Shri Narendra Chandra Barman Village Lakhnabandha P. O. Ambagoan District Nagaon Assam.	Account not lodged within the time and in the manner required by law.
201.	-do-	97—Dergaon (SC)	Shri Birendra Nath Hazarika Bamunimaidan Lakhnagar Ward No. 30, Sub-Division Gauhati, District Kamrup, Gauhati-781021.	-do-
202.	-do-	105—Mahmara	Shri Kshirod Raj Konwar, Saru Mathurapur T.E., P. O. Saru Mathurapur, District Sibsagar, Assam.	Failed to lodge any account of his election expenses.
203.	-do-	106—Sonari	Shri Altab Hussain, Sonari Town Ward No. 3, P. O. Sonari, District Sibsagar, Assam.	-do-
204.	-do-	106—Sonari	Shri Deba Phukan, Towkak T.E., P. O. Sonari, District Sibsagar, Assam.	-do-
205.	-do-	106—Sonari	Shri Gopal Chandra Bagh, Borhat T.E., P. O. Borthat, District Sibsagar, Assam.	Failed to lodge the account in the manner required by law.

[No. 76/AS/86]

नई दिल्ली, 9 फरवरी, 1987

आदेश

आ.प्र. 31:— निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट बिहार विधान सभा के साधारण/उप-निर्वाचन के लिए, जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विषयक बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा उपर्युक्त रूप में दिये निर्वाचन व्ययों का लेखा समय के अंतर्गत और/अथवा अपेक्षित रीति से दाखिल करने में असफल रहा है ;

और उक्त अभ्यर्थियों में सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है ; -

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को समय के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और भ्रान्ते के लिए, आदेशों का जारी रखे से तीन वर्ष की कालावधि के निरहित घोषित करता है ।

सारणी

क्रम संख्या	निर्वाचन का विवरण	विधान सभा निर्वाचन-क्षेत्र की क्रम सं० और नाम	निर्वाचन लड़ने वाले प्रार्थियों का नाम और पता	निराहता का कारण
1	2	3	4	5
1.	बिहार विधान के लिए उप- निर्वाचन 1985	11—किशनपुर	श्री विनोदामन्यु झा, ग्राम—पो. बनैनियां, जिला सहरसा, बिहार।	निर्वाचन व्ययों का लेखा दाखिल नहीं किया।
2.	—वही—	—वही—	श्री शिव ना. मंडल, ग्राम अंबलपुर, पो. महादेवस्थान, जिला सहरसा, बिहार।	—वही—
3.	बिहार विधान सभा का साधारण निर्वाचन, 1985	165—पीरपैती	श्री अनन्त लाल मंडल, ग्राम राप्तीपुर, पो. लगमांहाट, कहुलगांव, भागलपुर, बिहार।	—वही—
4.	—वही—	—वही—	श्री राम लखन तांती, ग्राम मुन्दरपुर, पो. —पीरपैती, धाना—पीरपैती, भागलपुर, बिहार।	—वही—
5.	—वही—	166—कहुलगांव	श्री बाल मुकुन्द साह, मो. चौधरी टोला, कहुलगांव, बिहार।	—वही—
6.	—वही—	166—कहुलगांव	श्री बासुदेव प्रसाद सिंह, ग्राम—पो. मुरहन, भागलपुर, बिहार।	—वही—
7.	—वही—	167—नाथनगर	श्री धरुण कुमार, ग्राम बैरिया, पो. शकरपुर चौपनियां, भागलपुर, बिहार।	—वही—
8.	—वही—	—वही—	श्री पंचामन्य ठाकुर, ग्राम उरपा, पो. रूपसा, भागलपुर, बिहार।	—वही—
9.	—वही—	—वही—	श्री पटवारी मंडल, हबीमपुर, भागलपुर, बिहार।	—वही—
10.	—वही—	—वही—	श्री राजेश्वर प्रा. मंडल, ग्राम राओपुर, पो. —हरिदासपुर, नाथनगर, भागलपुर, बिहार।	—वही—
11.	—वही—	—वही—	श्री राम नरेण प्रसाद सिंह, बिरनीघ, धाना तजीर, भागलपुर, बिहार।	—वही—
12.	—वही—	167—नाथनगर	श्री हसीम उर्फ बैसु, ग्राम बलुबाचक, पो. पुरैमी, भागलपुर, बिहार।	—वही—

1	2	3	4	5
13.	बिहार विधान सभा के लिए साधारण निर्वाचन, 1985	168—भागलपुर	श्री उदय शंकर वर्मा, ग्राम कोईसी टोला, पो. हबीबपुर, बिहार।	निर्वाचन व्ययों का लेखा दाखिल नहीं किया।
14.	—वही—	—वही—	श्री महावीर लाल, ग्राम—पो. सबौर, भागलपुर, बिहार।	—वही—
15.	—वही—	—वही—	श्री राम मारामण साहू, स्थान—पो. जगदीशपुर, भागलपुर, बिहार।	—वही—
16.	—वही—	169—गोपालपुर	श्री बिरजीबी राम, ग्राम—पो. करारी तीनटंगा, थाना—गोपालपुर, जिला भागलपुर, बिहार।	—वही—
17.	—वही—	170—बिहपुर	श्री बेदा नन्द कुचर, ग्राम ब पो. सोनबरसा, पी.एस. बिहपुर, जिला भागलपुर, बिहार।	—वही—
18.	—वही—	170—बिहपुर	पो. उमा कान्त शर्मा, ग्राम भ्रमरपुर, पो. भावानागामा, पी.एस. बिहपुर, जिला भागलपुर, बिहार।	—वही—
19.	—वही—	171—सुल्तानगंज (अ. शा.)	श्री गोबर्धन रजक, ग्राम ब पो. सुल्तानगंज, भागलपुर, बिहार।	—वही—
20.	—वही—	—वही—	श्री लक्ष्मीकांत मांझी, ग्राम सादपुर, पो. पचसखी बाजार, भागलपुर, बिहार।	—वही—
21.	—वही—	172—भ्रमरपुर	श्री प्रकाश कुमार यादव, ग्राम रामपुर, पञ्चालय कंठेल, जिला भागलपुर, बिहार।	—वही—
22.	—वही—	174—बांका	श्री सीताराम सिंह, ग्राम बिहरी, जयहाट, (अचक), भागलपुर, बिहार।	—वही—
23.	—वही—	175—बेगहर	श्री नियामुल मियां, ग्राम सोइषडा, पञ्चालय—बसमता, जिला भागलपुर, बिहार।	—वही—
24.	—वही—	—वही—	श्री राम देव शर्मा, ग्राम खोसर, पञ्चालय खोसर, जिला भागलपुर, बिहार।	—वही—

1	2	3	4	5
25.	—बही—	—बही—	श्री सतुवेव पंडित, ग्राम बारा उरुही, पञ्चासय बारा, जिला भागलपुर, बिहार।	—बही—

[सं. 76/बिहार—वि.स./85]

एस. ओ. प्रसाद, अवर सचिव

ORDER

O. N. 31 :—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Bihar Legislative Assembly By-elections as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses or failed to lodge the account within the time and or in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any is satisfied that they have no good reason or justification for the said failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this order.

TABLE

Sl. No.	Particulars of election	S. No. and Name of the Parliamentary/Assembly Constituency	Name and Address of the contesting candidate	Reason for disqualification
1	2	3	4	5
1.	Bye-elections to Bihar Legislative Assembly-1985	111—Kishanpur	Shri Venodanand Jha, Vill - P.O. Banainia, Dist. Saharsa, Bihar.	Account of election expenses not lodged.
2.	-do-	-do-	Shri Shiv Narain Mondal, Vill. Achalpur, P. O. Mahadeo Asthan, Dist. Saharsa, Bihar.	-do-
3.	General Elections to Bihar Legislative Assembly, 1985	165—Pirpanti	Shri Anant Lal Mandal, Vill. Ranipur, P. O. Lagmahat, Colgong, Bhagalpur, Bihar.	-do-
4.	-do-	-do-	Shri Ram Lakhan Tanti, Vill. Sunderpur, P. O. Pirpanti, Bhagalpur, Bihar.	-do-
5.	-do-	166—Kahalgaon	Shri Bal Mukund Sah, At-Choudharitola, Kahalgaon, Bihar.	-do-
6.	-do-	-do-	Shri Basudeo Pd. Sah, At-P.O. Murhan, Bhagalpur (Bihar).	-do-
7.	-do-	167—Nathnagar	Shri Arun Kumar, Vill. Baria, P. O. Shankarpur, Bhagalpur (Bihar).	-do-

1	2	3	4	5
8. General Elections to Bihar Legislative Assembly-1985	157—Nathnagar	Shri Panchanand Thakur, Vill. Darpa, P. O. Rupsa, Bhagalpur (Bihar)	Account of election expenses not lodged.	
9.	-do-	-do-	Shri Patwari Mandal, Habibpur, Bhagalpur	-do-
10.	-do-	-do-	Shri Rajendra Prasad Mandol, Vill. Raghapur, P. O. Haridaspur, Bhagalpur (Bihar)	-do-
11.	-do-	-do-	Shri Ram Naresh Pd. Singh, Birnodh, Sabono, Bhagalpur (Bihar)	-do-
12.	-do-	-do-	Shri Halim Alias Ka-ila, Vill. Beluachak, P. O. Puraini, Bhagalpur (Bihar)	-do-
13.	-do-	168—Bhagalpur	Shri Udai Shankar Verma, Vill. Koeri Tola, P. O. Habibpur, Bhagalpur (Bihar)	-do-
14.	-do-	-do-	Shri Mahabir Lal, Vill. P. O. Sabour, Bhagalpur, Bihar.	-do-
15.	-do-	-do-	Shri Ram Narain Sah, Vill-P.O. Jadishpur, Bhagalpur (Bihar)	-do-
16.	-do-	169—Gopalpur	Shri Chiranjibi Rai, Vill-P. O. Karari, Taitanga, Bhagalpur (Bihar)	-do-
17.	-do-	170—Bihpur	Shri Bedanand Kumar, Vill-P. O. Sonbarsa, P. S. Bihpur, Dist. Bhagalpur (Bihar)	-do-
18.	-do-	-do-	Prof. Uma Kant Sharma, Vill. Amarpur, P. O. Babhangama, P. S. Bihpur, Dist. Bhagalpur, Bihar.	-do-
19.	-do-	171—Sultanganj (SC)	Shri Goverdhan Rajak, Vill. Purani Durga, Asthan, Sultanganj, P. S. Sultanganj, Bhagalpur (Bihar)	-do-
20.	-do-	-do-	Shri Laxmi Kant Manjhi, Vill. Sadhpur, P. O. Pachrukhi Bazar, Bhagalpur (Bihar)	-do-
21.	-do-	172—Amarpur	Shri Prakash Kumar Yadav Vill. Rampur, P. O. Kathel, Dist. Bhagalpur (Bihar)	-do-

1	2	3	4	5
22.	General Elections to Bihar Legislative Assembly-1985.	174—Banka	Shri Sita Ram Singh, Vill. Khiddi, P. O. Vijayhat, Dist. Bhagalpur (Bihar)	Account of election expenses not lodged.
23.	-do-	175—Belhar	Shri Nivamull Mian, Vill. Ghosmara, P. O. Basmata, Bhagalpur (Bihar)	-do-
24.	-do-	-do-	Shri Ramdeo Sharma, Vill-P. O. Kheser, Bhagalpur (Bihar)	-do-
25.	-do-	-do-	Shri Sahdeo Pandit, Vill- Basaulhi, P. O. Bara, Bhagalpur (Bihar)	-do-

[No. 75/BR-LA (85)]

S.D. PERSHAD, Under Secy.

नई दिल्ली, 16 फरवरी, 1987

भा.प्र. 32.—1984 की निर्वाचन अधीन सं. 1/1 में गौहाटी उच्च न्यायालय, इम्फाल बेंच, के तारीख 24-1-1987 के निर्णय और आदेश को लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग इसके द्वारा प्रकाशित करता है।

[सं. 82/मणि./1/1/84]

आदेश से,
एस. डी. प्रशाद, अवर सचिव

New Delhi, the 16th February, 1987

O.N. 32.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement and Order dated 24-1-87 of the Gauhati High Court, Imphal Bench, in Election Petition No. 1/1 of 1984.

[No. 82/MR/1/1/84]

By Order,

S. D. PERSHAD, Under Secy.

IN THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM, NAGALAND,
MEGHALAYA, MANIPUR & TRIPURA)
IMPHAL BENCH

By Notification No. 318/84(IB) dated 12-3-84
The Election Commission of India called upon the Members
of the Election Petition No. 1/1 of 1984

Thokhom Achouba Singh .. Petitioner.

Vs.

Rajkumar Jaichandra Singh
and Ors. .. Respondents

PRESENT :

The Hon'ble Justice T. C. Das

For the Petitioner—Mr. C. Komal Singh, Mr. K. Kumar
Singh and Mr. A. Chaoba Singh, Advocates,

For the Respondents—Mr. Th. Priyananda Singh Mr.
R. K. Saratchandra Sinha, Mr. S. Lakhikanta Singh
and Mr. B. K. Samra, Advocates.

Date of Judgment and Order :

JUDGMENT & ORDER

By Notification No 318/84(IB) dated 12-3-84 the Election Commission of India called upon the Members of the Manipur Legislative Assembly to elect one member to the

Council of States. Accordingly 19th day of March, 1984 was notified as the last date for submission of nomination, 20th March, 1984 for the scrutiny of nomination, 22nd March, 1984 as the last date for withdrawal of the candidature, 29th March, 1984 as the date of poll and 31st March, 1984 as the date before which the whole process of election was to be completed. In consultation with the Government of Manipur, the respondent No. 4 was appointed by the Election Commission of India as Returning Officer for the said election. By a notification, the Election Commission also designated the Deputy Secretary, Manipur Legislative Assembly as the Assistant Returning Officer to assist the Returning Officer, respondent No. 4. The relevant notification was accordingly published in the Manipur Gazette on March 12, 1984 by the Chief Election Officer, Manipur. By notification No. 1/2(9)/84-(Perf) dated 12-3-84, the Returning Officer notified that the nomination papers may be delivered to the Returning Officer or to the Assistant Returning Officer at the Assembly Secretariate, Imphal between 11 A.M. and 3 P.M. on any date other than a public holiday and not later than 19th March, 1984.

2. It is stated by the election petitioner in his petition that the Government of Manipur in exercise of the powers conferred by explanation to Section 25 of the Negotiable Instruments Act, 1981 read with the Government of India, Ministry of Home Affairs notification No. 21/18/72-Judl. dated 27-4-72, published the lists of holidays for general information through gazette notification dated 14-12-83 annexed as Appendix-I and Appendix-II declaring general holidays and also public holidays for the calendar year, 1984. According to the petitioner, 19th March, 1984 was declared as General Holiday as per Appendix-I as well as a Public Holiday as per Appendix-II of the said notification (Ext. P/1). But the respondent Nos. 1, 2 and 3 submitted their nominations on 19th March, 84. The petitioner, however, submitted his nomination on 16-3-84 to the Returning Officer who accepted the same without objection. The petitioner in his petition has further stated that 19-3-84 which was the last date for submission of nomination papers was General Holiday as well as a Public Holiday and as such no nomination papers could have been presented by respondent Nos. 1, 2 and 3 either on 19-3-84 or on 20-3-84. It is stated by the petitioner that the acceptance of nomination papers of Respondent Nos. 1, 2 and 3 by respondent No. 4, (the Returning Officer) is contrary to and against the provisions of the Proviso to sub-section (1) of Section 33 of the Representation of the People Act, 1951 (for short, 'the R. P. Act'). On 20-3-84 the nomination papers were taken up for scrutiny by the Returning Officer and on the said date the proposer of the petitioner raised objection for acceptance of nomination papers of respondent nos. 1, 2 and 3 and pleaded for rejection of those nomination papers having filed contrary to the mandatory provisions of Section 33 of the R. P. Act. It is further stated by the petitioner that the Returning Officer, respondent no. 4 turned down the objection and illegally accepted the nomination

papers of respondent Nos. 1, 2 and 3. The respondent No. 3, however, withdrew from his candidature and as such the Returning Officer published the names of the petitioners and Respondent Nos. 1 and 2 to be contesting candidates for the said election as required by Rule 11 of the Conduct of Election Rules, 1961 (hereinafter called 'the Rules'). After poll was held on 29-3-84, the Returning Officer declared respondent No. 1 as duly elected to fill up the seat in the Council of States as he obtained the majority of votes polled in this behalf. The petitioner being aggrieved by the said declaration of the result and declaring the respondent No. 1 to be duly elected as a member of Council of States, has challenged the result in his election petition. The petitioner has prayed that the result declaring respondent No. 1 as duly elected as member of Council of States may be declared invalid due to improper acceptance of the nomination papers of respondent Nos. 1 and 2 and the petitioner should be declared elected as a member of the Council of States as an uncontested candidate.

3. The respondent Nos. 1 and 4 filed their separate written statements and contested the election petition while denying the contentions raised by the petitioner, the respondents contended that the Government of Manipur by issuing a notification on 16-3-84, modified the list of general holidays published earlier with respect to 19-3-84 which was declared as a general holiday as per earlier notification. By the said notification dated 16-3-84, the Government of Manipur declared 20th March, 1984 as a general holiday instead of 19-3-84. It has been denied by the respondent No. 4 that the nomination papers were submitted by respondent Nos. 1, 2 and 3 on the day which was declared as a general holiday and that their nomination papers were improperly accepted. It has been further pleaded that the dates as regards filing of nomination papers, scrutiny, withdrawal of nomination papers, the date of poll and the date of completion of the election were all notified by the Election Commission of India and no such date as notified fell on public holidays and there cannot be any question of improper acceptance of nomination papers of Respondent Nos. 1, 2 and 3 by Respondent No. 4. It has been pleaded by respondent No. 1 that he having received maximum number of votes in his favour, he was declared elected. The respondents have prayed for dismissal of the election petition. On this aforesaid ground as raised by the election petitioner in this election solitary petition and on the basis of the pleadings of the parties the following issues were struck.

- "1. Whether 19-3-84 was a "public holiday" within the meaning of the proviso to sub-section (1) of Section 33 of the Representation of the People Act, 1951?
2. Whether the nomination papers of respondents 1, 2 and 3 were improperly accepted by respondent No. 4?
3. Whether the election of respondent No. 1 has been materially affected as a result of "improper acceptance" of the nomination paper ? and
4. To what relief is the election petitioner entitled ?"

The petitioner has examined himself and two other witnesses in support of his contention. From the analysis of above issues it appears that the only contest as raised by the petitioner in this election petition boils down to a single point for consideration as to whether 19-3-84 was declared as a "holiday" and the nomination papers of respondent Nos. 1, 2 & 3 were improperly accepted which has materially affected the result of the election.

After closure of the evidence and on hearing the learned counsel of the parties the issues were referred to the following effect :

- (1) whether 19-3-84 was a "general holiday within the meaning of the proviso to sub-section (1) of section 33 of the Representation of the People Act, 1951 and whether the "general holiday" was treated as a "public holiday" within the meaning of the said provisions of the R. P. Act?

- (2) whether nomination papers of respondent Nos. 1, 2 & 3 were improperly accepted by respondent No. 4 ?
- (3) whether the result of the election of the petitioner has been materially affected as a result of the improper acceptance of nomination papers of respondent Nos. 1 and 2.
- (4) To what relief the election petitioner is entitled to ?

5. Before taking up the issues in the light of the evidence on record it would be appropriate to refer to relevant annexures which are annexed to the petition of the election petitioner. Annexure-1 is the notification issued from the Manipur Legislative Assembly Secretariat under notification No. 12(9)84-LA(Part) dated 12th March, 1984. The said notification invited the nomination papers of the intended candidate to contest the election of member to the Council of States by the elected members of the Manipur Legislative Assembly. It was further informed that the nomination papers might be delivered by a candidate or his proposer to the Returning Officer or is the Deputy Secretary, Manipur Legislative Assembly, Assistant Returning Officer at the Assembly Secretariat Imphal between 11 A.M. on any day (other than public holiday) not later than 19th March, 1984. The date of scrutiny was fixed on 20-3-84 at 11 A.M. and the date of withdrawal was fixed on 22-3-84 whereas the date of poll was fixed on 29-3-84 between 10 A.M. and 2 P.M. in the Committee Room of the Manipur Legislative Assembly. Imphal Expt. 9/1 is the order notification dated 21-11-83 issued by the Government of Manipur publishing the list of the general holiday for the state for the year 1984 vide Appendix-I of the said order and in exercise of the power conferred by the explanation to Section 25 of the Negotiable Instrument Act, 1891 read with Government of India, Ministry of Home Affairs notification No. 21-18-72-Judl. dated 27-4-72 the Government of Manipur declared the list of public holidays for the year 1984 as specified in Appendix-II of the said order. On perusal of Exhibit P/1 it appears that the list of holidays for the year 1984 was published by the Government of Manipur under two categories. One being list of "general holidays" and the other list of "public holidays" which was issued separately in exercise of the powers conferred by explanation to Section 25 of the N.I. Act. In Appendix-I which contained the general holidays' list, it appears that 19th March, 1984 was declared as general holiday on account of Doljatra (Yaasang). Annexure-A/3 to the petition relates to another order/notification of the Government of Manipur. Imphal dated 16th March, 1984. The said order runs as follows :

"In partial modification of this Department order of even number dated 21-11-83, the Government of Manipur is pleased to declare that the 19th March, 1984 29 Phalguna 17 Lamda, Monday appearing at Sl. No. 3 of the Appendix-I thereto shall not be a General Holiday.

2. The Governor of Manipur is further pleased to declare 20th March, 1984 30 Phalguna 18 Lamda, Tuesday as General Holiday in place of 19th March, 1984 29 Phalguna 17 Lamda, Monday."

6. Annexure-A/4 is the impugned order of the Returning Officer Manipur dated 20th March, 1984. The said order related to the acceptance of all the four nomination papers as valid. Annexure-A/5 to the petition is the declaration of the election result by the Returning Officer on 29th March, 1984 declaring the respondent No. 1 Shri Rajkumar Jai-chandra Singh to be duly elected member to the Council of States for the Legislative Assembly, Manipur.

7. It is well known that an election dispute is not like an ordinary list between private parties. A free and fair election based on Universal Adult Franchise is the basic, the regulatory procedure for the function and distribution of Legislative, executive and judicative roles in the total scheme directed towards holding of free election. The courts while adjudicating upon election controversies must come to the conclusion that the result of the election was materially affected on any of the grounds as narrated in the Representation of the People Act.

8. Mr. Komol Singh, learned Counsel for the election petitioner has submitted that Issue No. 1 if decided would cover Issue No. 2 and 3 and in the alternative, issue No. 1 is the decisive factor to cover Issue Nos. 2 and 3. Referring to the list of 'Public Holiday' the learned counsel has submitted that the Central Government alone has the authority under Section 25 of the N.I. Act to declare the list of Public Holidays. Therefore, declaration of public holiday by the State Government is subject to delegation of power or authorisation by the Central Government. According to the learned counsel, public holiday already declared could not be changed by the State Government without any authority obtained from the Central Government or without any such delegation of power or authorisation by the Central Government. Referring to Appendix-II of Ext. P/1 the learned counsel has submitted that for publishing this notification relating to public holiday, the State Government was authorised by the Central Government to publish the list of public holidays. But the State Government could not change the list of public holidays as no such authorisation from the Central Government was obtained. Referring to Appendix-I of Exhibit P/1, the learned Counsel has submitted that there was insertion of words "Banks only" but in Appendix-I it was not so and there should be harmonious reading of Appendix-I and Appendix-II. Referring to Annexure-R/1 the learned counsel has submitted that there is no mention of "public holiday" in Annexure-R/1. Annexure-R/1 is meant only for administrative offices at Delhi and New Delhi during 1984. The contention of the learned counsel for the election petitioner is that the Election Commission was bound to follow the list of holidays as per Annexure R/1. The Election Commission of Manipur can only follow the procedure and rules and if there was illegal acceptance of nomination papers, those can not be accepted as valid. Hence, the petitioner should be declared as duly elected under Section 53(2) of the R. P. Act.

9. In reply, Mr. Th. Priyananda Singh, learned counsel for the respondent has submitted that burden lies on the petitioner to show that 19-3-84 was a public holiday. The Election Commission which was appointed by the Election Commission of India, New Delhi should follow the list of holidays published by Central Government. It is further submitted by the learned counsel that 19-3-84 was not a "public holiday" but was declared as a "general holiday" for the State of Manipur which was subsequently shifted to next day by another notification. In case of "General Holiday" the Government of Manipur has the power to revoke the earlier order and to shift the General Holiday under Section 21 of the General Clauses Act as per need of the public. But the state has no power to declare a list of public holiday under N.I. Act as no power can be delegated to them but to follow instruction of the Central Government. But in case of declaration of general holiday, the State Government may declare a General or Restricted holiday as per need of the public.

10. According to the learned counsel for the respondent, 19-3-84 was declared as a general holiday and the same not being a public holiday, the date could be changed according to the need of the people and as such it was shifted to 20-3-84 by subsequent notification.

11. From the above trend of the argument as advanced by the learned counsel of both the parties, it appears that the real controversy in this election petition is relating to the "public holiday" and "General Holiday" as incorporated in Issue No. 1. Before travelling to consider the contention of the learned counsel of the parties relating to the point at issue, let me take up the relevant provisions of the Representation of the People Act, 1951. Section 33(I) of the Act runs as follows :

"33. Presentation of nomination paper and requirements for a valid nomination.—(1) On or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under section 31 a nomination paper completed in the prescribed form and signed

by the candidate and by an elector of the constituency as proposer.

[Provided that no nomination paper shall be delivered to the returning officer on a day which is a public holiday]

Section 2(h) defines the Public Holiday :

"Public Holiday" means any day which is a public holiday for the purposes of Section 25 of the Negotiable Instruments Act, 1881 (26 of 1881)."

The term 'General Holiday' has not been defined in the Act. Therefore, it is clear that the Act only describes the meaning of Public Holiday which is declared by the competent Government under the provisions of Section 25 of the N.I. Act. The other category of holiday which is known as General Holiday does not come within the purview of section 25 of the N.I. Act. List of Public Holidays as it reveals from the notification vide exhibit P/1 containing Appendix-II, was published in exercise of the powers conferred by explanation to Section 25 of the N.I. Act. It includes also the Bank Holidays. The list of general holidays and restricted holidays are published by the State Government according to the public need to observe holidays by the public or by a section of the society according to their need, social customs and traditions followed from time immemorial. Therefore, the list of general holidays for the public in a particular state or for a section of people of that state notified earlier can be changed as per prevailing circumstances and the need. The list of general holidays as also can be altered on the basis of the public festival which are usually done by the State Government according to the need of the people to observe a particular festival. But in case of the list of "public holidays" as published in exercise of the powers conferred by the explanation to Section 25 of the N.I. Act is entirely different from that of the list of general holidays published by the State Government.

12. Let me now take up Issue Nos. 1 & 2 together which are inter-connected.

Issue Nos. 1 & 2 :

The evidence of the petitioner's witnesses are mostly on the basis of the documents produced by the petitioner in the case. Therefore, the evidence of witnesses are also considered in the light of the document on record relating to the point at issue.

It is an admitted fact that by earlier notification dated 21st November, 1983, the list of general holidays was published by the Government of Manipur which shows that 19th March, 1984 was declared as general holiday for the state due to Doliatra. However, subsequently by order dated 16th March, 1984, the notification of the general holidays published on 21-11-83 was modified in respect of holiday on 19th March, 1984 and the holiday was altered from 19th March, 1984 to 20th March, 1984. This fact is clear from Annexure A/3 to the petition. As observed earlier, the State Government can change the list of holidays according to public need. It was felt by the Government that the actual observance of holiday ought to have been on 20th March, 1984, instead of 19th March, 1984 according to the public need and in that view of the matter the partial modification was made to alter the holiday from 19th March, 1984 to 20th March, 1984 by the subsequent notification and/or order dated 16th March, 1984. If that be the position, 19th March, 1984 was not a general holiday as submitted by the learned counsel for the respondent No. 1. Admittedly the nomination paper of the respondent No. 1 Rajkumar Jaichandra Singh was filed on 19-3-84 on which date nomination papers of respondent Nos. 2 and 3 were also submitted to the Returning Officer. But the nomination paper of the election petitioner was filed on 16-3-84. On 20-3-84 Shri Ph. Parijat Singh who was the proposer of the petitioner submitted a petition to the Returning Officer stating that the nomination papers of respondent Nos. 1, 2 and 3 should be rejected as they were filed on 19-3-84 which was a public holiday. At the time of scrutiny of the nomination papers the Returning Officer considered the petition, heard the learned counsel of Ph. Parijat Singh but found that as the Government of Manipur subsequently declared 20th March, 1984 as "general holiday" instead of 19th

March, 1984, the submission of all the nomination papers on 19th March, 1984 were valid as the same did not contravene the provisions of Section 33 of the R.P. Act. The Returning Officer also found that the Government offices in the State of Manipur observed holiday on 20th March, 1984 instead of 19th March, 1984 as 'general holiday' and as such the candidates were entitled to submit their nomination papers on 19th March, 1984. The learned Returning Officer also observed that even if 19th March, 1984 was declared as a general holiday by virtue of earlier notification, the Returning Officer was not bound to follow the holiday list of the Government of Manipur as the office of the Returning Officer was functioning under the Election Commission of India which is bound to follow the list of "public holidays" issued by the Government of India. The learned Returning Officer, therefore, accepted all the nomination papers on the ground that they were all validly submitted nominations without any contravention of the provisions of law as laid down under Section 33(1) of the R.P. Act. Though the learned counsel for the petitioner has laid much stress on both the lists of holidays as contained in Appendix-I and Appendix-II of the notification published on 21st November, 1983, it would not be possible to ignore the subsequent notification issued by the Government of Manipur on 16th March, 1984 whereby the date of holiday was altered from 19th March to 20th March, 1984 to be observed by the public of Manipur as "general holiday" on account of Doljatra. It is, therefore, seen that the general holidays and public holidays are of distinct character and are different from each other. The Returning Officer was therefore, correct in holding that all the nomination

papers of respondent Nos. 1, 2 and 3 were valid. Therefore, it appears that the submission of nomination papers of respondent Nos. 1, 2 and 3 on 19th March, 1984 did not contravene the provisions of Section 33(1) of the R.P. Act and they were properly accepted by respondent No. 4. The issue Nos. 1 and 2 are accordingly decided against the election petitioner.

Issue No. 3:

The decision on issue Nos. 1 and 2 above are sufficient to hold that the result of election has not been materially affected due to acceptance of nomination papers of respondent Nos. 1, 2 and 3. Moreover, the election petitioner has not been able to show by any material evidence either oral or documentary that the result of the election of the petitioner has been materially affected and unless it is shown by the petitioner that in fact, the result of the election has materially affected the petitioner, the petitioner cannot get any relief in this petition. Therefore, issue No. 3 is also decided against the petitioner.

Issue No. 4:

In view of the decision of the aforesaid issue against the petitioner, he is not entitled to any relief in this election petition. The petition is, therefore, dismissed with a nominal cost of Rs. 300. The petitioner shall pay the amount of Rs. 300 to respondent No. 1 which may be adjusted from his security deposit.

(Sd/-) T. C. DAS, Judge